

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JUNE 17, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

VAR-33989 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SANARP TRUST – Appeal filed from the denial by the Planning Commission of a request for a Variance TO ALLOW AN EXISTING 3,783 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 2,029 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED; TO BE 17 FEET IN HEIGHT WHERE A HEIGHT OF 13.25 FEET IS PERMITTED; NOT TO BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPLE DWELLING UNIT; AND TO ALLOW FOR TWO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED on 0.94 acres at 3018 Ashby Avenue (APN 162-05-115-006), R-E (Residence Estates) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

31

City Council Meeting

23

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

18

City Council Meeting

1

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal Letter filed by Henry Sanchez
7. Protest Postcards
8. Submitted after Final Agenda - Abeyance Letter by Henry Sanchez and Protest Postcards/Letter and Support Postcard
9. Submitted at Meeting - Protest E-mail to Mayor Goodman
10. Backup referenced from the May 14, 2009 Planning Commission Meeting Item 26

Motion made by LOIS TARKANIAN to Hold in abeyance to 8/19/2009

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-RICKI Y. BARLOW)

NOTE: Item 161 was initially part of the motion on Item 119, but was subsequently reconsidered.

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Minutes:

MAYOR GOODMAN declared the Public Hearing open.

With respect to the applicant's request, COUNCILWOMAN TARKANIAN agreed to the abeyance; however, she specifically noted for the record that she had visited the property in early June 2009 and had recommended to the applicant that in order to move forward with the construction of this project, it was necessary to submit the building plans to the Building Department in order to obtain a building permit. Following up on her recommendation, she learned that the applicant failed to obtain the necessary permits and placed a mandatory requirement that the permit be obtained no later than June 19, 2009.

For clarification, MARGO WHEELER, Director of Planning and Development, stated that to obtain the permits, it is necessary for the variance to be approved, despite the fact that the dwelling was already constructed. If the variance is not approved, the building would have to be torn down.

COUNCILMAN WOLFSON questioned what alternative is available, knowing someone has constructed a building without permits. MS. WHEELER explained that the following circumstances are taken into consideration: (1) Construction without a permit, although the setbacks and zoning requirements are met; and (2) a building constructed without a permit where the zoning and setback requirements are not met. In this case, it falls within the second criteria and a variance is required. ASSISTANT CITY ATTORNEY BRYAN SCOTT affirmed that the variance enables the applicant to cure any defects.

MAYOR GOODMAN declared the Public Hearing closed.